APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,743	08/13/2001	Luu Tran	SUN-P6089	9378

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EXAMINER
PWU, JEFFREY C

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 July 2006 Amendment</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 is vague and indefinite because it is unclear what is the top-most level of the hierarchy.

3.   Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 is vague and indefinite because it is unclear what is a lowest level of the hierarchy.

4.   Claim 6 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 6 and 15 are vague and indefinite because it is unclear how to traverse the hierarchical file path to retrieve client aware specific files

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – .

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Fishman et al

(US 6,871,236).

As broadly drafted, claims 1-24 do not define any structure/step that differs from Fishman.

Fishman et al teaches claims:

1. A wireless server system comprising:

        a plurality of extensible hierarchical file modules (col.8, line 65-col.9, line 10), each

providing respective identifying file parameters pertinent to a type of wireless client (254 -

Transform A, 256 – Transform B, 258 – Transform C, 259 – Transform D; 210, 230); and

        a file manager service (210 – 250), in response to receiving a particular client type

associated with a particular wireless client for dynamically selecting files in said plurality of

hierarchical file modules based on said particular client type; (274, 276, 278, 279)

        wherein said file manager service is also for applying a selected file module to said

particular wireless client for identification thereof. (see Transform A-D; "Using communication

link 240, mobile gateway 250 may be configured to receive data object 232 along with a list of

one or more intended recipients. Mobile gateway 250 examines mobile client data 252 to identify

the mobile clients contained in the list, such as phone 274, pager 276, PDA 278, and mobile

gateway 279. In identifying the mobile clients contained in the list, mobile gateway 250 also

identifies the corresponding transform to be used in customizing data object 232 based on one or

more operating characteristics of the mobile clients that will be sent data object 232. Transform

A 254 corresponds to phone 274, transform B 256 corresponds to pager 276, transform C 258

corresponds to PDA 278, and transform D 259 corresponds to mobile gateway 279."; col.11,

lines 40-56)

2. The wireless server system of claim 1, further comprising an automatic client aware detection

service for automatically detecting client specific files in response to service requests that

originate from said particular wireless client. (col.11, lines 30-57)

3. The wireless server system of claim 2, wherein information found with the client service

request comprises file information unique to a particular class of clients or said particular client.

(Transform A-D)

4. The wireless server system of claim 1, wherein said plurality of file modules are arranged to

form a hierarchical file path with client data generic to a particular class of client information at

the top-most level of the hierarchy. (col.10, lines 34-67; "…certain transforms will be directed

specifically toward customizing content. For example, data object 232 may include text,

graphics, markup, and multimedia content. Pager 276 and phone 274 may not include an MPEG

decoder for viewing the multimedia content or may not include sufficient memory, processor

capability, and display area for showing graphics. Pager 276 may support only plain text.

Communication link 264 for phone 274 may be ill-suited for transferring large files, whereas

communication link 266 for pager 276 and communication link 268 for PDA 278 may provide a

greater bandwidth and packet size, allowing large files to be transferred without significant

concern. The display area for phone 274 may provide for a relatively small number of characters

when compared to the display area of PDA 278. Transforms A 254, B 256, C 258, and D 259

consider one or more of these operating characteristics and customize data object 232

accordingly. Although phone 274, pager 276, PDA 278, and mobile gateway 279 all may request

the same data object 232, each may receive a transformed data object that differs from the

transformed data object received by the others")

5. The wireless server system of claim 4, wherein said hierarchical file path has, at its lowest

level, client file information unique to a particular client to differentiate said particular client

from others within said class of clients. (col.8, lines53-col.9, line 10)

6. The wireless server system of claim 5, wherein said file manager traverses said hierarchical

file path to retrieve client aware specific files in response to client file request without said client

having to provide the entire file path of the file to be retrieved. (col.8, lines53-col.9, line 10)

7. A client aware hierarchical file manager system in a wireless network, comprising: a wireless

server; a plurality of a classes of wireless clients, each having unique file parameters; and an

extensible file manager service for providing a file storage and retrieval procedure in response to

file accesses requests from said wireless clients. (claim 7 is similarly rejected as in claim 1)

8. The client aware file manager system of claim 7, wherein said file manager service comprises a plurality of extensible hierarchical file modules having dynamic file addition attributes to dynamically add client specific files to existing file system structure in said wireless sever during said client's run-time. (210, 240, 250)

9. The client aware file manager system of claim 8, wherein the file manager service further comprises a file selector for selectively traversing said extensible hierarchical file modules to retrieve files based on client type information of a client accessing the wireless server. (222, 224, 226)

10. The client aware file management system of claim 9, wherein said file manager service receives and parses service requests from the wireless clients to determine the file path to the file being requested by the wireless clients. (240)

11. The client aware file management system of claim 10, wherein the plurality of extensible hierarchical file modules include a set of predefined file parameters generic to clients within a class of wireless clients used by the wireless server to identify said clients with known file characteristics accessing the wireless server. (col.8, lines53-col.9, line 10)

12. The client aware file management system of claim 9, wherein the wireless file server includes a file system structure capable of being dynamically updated with client file information during said client's run-time. (210, 240, 250)

13. A wireless server, comprising:

a client aware file manager service for providing file storage and retrieval service to a plurality of wireless clients accessing the wireless server; and

a plurality of client aware hierarchical file modules for hierarchically storing file characteristics pertinent to a particular client and a class of clients within said plurality of wireless clients; a client data storage for storing client type information; and

a session service logic for storing transient session information for said clients accessing said wireless server. (claim 13 is similarly rejected as in claim 1)

14. The wireless server of claim 13, wherein said plurality hierarchical file modules are extensible to allow dynamic file addition of client attributes to existing file system structure in said wireless sever during said client's run-time. (210, 240, 250)

15. The wireless server of claim 13, wherein the file manager service further comprises a file selector for selectively traversing said hierarchical file modules to retrieve files based on client type information of a client accessing the wireless server. (col.8, lines53-col.9, line 10)

16. The wireless server of claim 15, wherein said file manager service receives and parses service requests from the wireless clients to determine the file path to.the file being requested by the wireless clients. (250)

17. The wireless server of claim 16, wherein the plurality of hierarchical file modules comprise a

set of predefined file parameters generic to clients within a class of wireless clients used by the

wireless server to identify said clients with known file characteristics accessing the wireless

server. (Transforms A-D)

18. The wireless server of claim 16, wherein the file manager module comprise file selection

logic to selectively retrieve files from file system structure in the wireless server in response to a

client service request. (280)

19. The wireless server of claim 16, wherein said client service request includes hyper text

transport protocol request headers. (col.9, line 60-col.10, line 6)

20. The wireless server of claim 16, wherein said client service request includes client equipment

manufacturer specific headers. (274, 276, 278)

21. The wireless server of claim 20, wherein the client service request includes programmable

user specified headers. (274, 276, 278)

22. A client aware file management service, comprising a plurality of client aware file

characteristics modules; and client aware file selection logic. (280, 254, 256, 258, 259)

23. The client aware file management service of claim 22, wherein said plurality of client aware

file characteristics modules comprise a predefined set of client files for defining known clients

accessing the client aware file management modules. (230,232)

24. The client aware authentication module of claim 22, wherein said plurality of client aware

file characteristics modules comprise client characteristics dynamically extracted from the clients

run-time environment. (col.8, lines53-col.9, line 10)

Response to Arguments

7.   Applicant's arguments with respect to claims 1-24 have been considered but are moot in

view of the new ground(s) of rejection.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798. If

attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David

Wiley can be reached on 571-272-3923. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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applications is available through Private PAIR only. For more information about the PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/5/06
   JEFFREY PWU
PRIMARY EXAMINER